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7 **UNITED STATES DISTRICT COURT**
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9 **EASTERN DISTRICT OF CALIFORNIA**

10 MICHAEL ANTHONY VICTORY,

Case No. 1:22-cv-01118-JLT-SAB (PC)

11 Plaintiff,

ORDER DENYING DEFENDANTS'
MOTION TO STRIKE FIRST AMENDED
COMPLAINT

12 v.

13 KATHLEEN ALLISON, et al.,

(ECF No. 22)

14 Defendants.

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16 Plaintiff Michael Anthony Victory is proceeding pro se in this civil rights action filed
17 pursuant to 42 U.S.C. § 1983.

18 Currently before the Court is Defendants' motion to strike the first amended complaint,
19 filed April 27, 2023.

20 On September 1, 2022, this action was removed from the Tuolumne County Superior
21 Court by Defendants Bick and Eaton.

22 On October 14, 2022, Defendants Boyack and Jachetta filed a motion to stay the
23 responsive pleading deadline pending screening of the complaint. (ECF No. 9.) On October 19,
24 2022, the Court granted Defendants' request pending screening of the complaint which is the
25 Court's routine practice in cases governed by 28 U.S.C. § 1915A. (ECF No. 10.)

26 On December 16, 2022, the Court screened Plaintiff's complaint, found no cognizable
27 claims, and granted Plaintiff leave to file an amended complaint. (ECF No. 13.)

28 Plaintiff filed a first amended complaint on April 17, 2023. (ECF No. 21.)

1 Notwithstanding the Court's stay of a response, Defendants Bick and Eaton seek to strike
2 the first amended complaint on the basis that it violates the Court's December 16, 2022, because
3 it is in excess of 25 pages. (ECF No. 22.) Although Plaintiff's complaint contains numerous
4 exhibits which are not required, the factual allegations span over only 21 pages. (ECF No. 21 at
5 11-31.) Thus, the Court finds that Plaintiff's first amended complaint is not in direct
6 contravention of the Court's December 16, 2022, screening order. Accordingly, Defendants'
7 motion to strike the first amended complaint is DENIED, and the first amended complaint will
8 be screened in due course.

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10 IT IS SO ORDERED.

11 Dated: April 28, 2023



UNITED STATES MAGISTRATE JUDGE

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